

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/29/2023
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**MEMORANDUM ENDORSED**

Roger L. McCleary

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August 29, 2023

The Honorable Gregory H. Woods, U.S.D.J.  
 United States Courthouse  
 500 Pearl Street, Courtroom 12C  
 New York, New York 10007-1312

Re: *U.S. Bank National Association, et al. v. The Charitable Donor Advised Fund, L.P. and CLO HoldCo Ltd.*, **Case No. 1:21-cv-11059-GHW**

Dear Judge Woods:

Pursuant to Rule 1(E) of Your Honor's Individual Rules of Practice, Defendants/Counterclaim-Plaintiffs CLO Holdco, Ltd. and The Charitable Donor Advised Fund, L.P. (the "DAF Parties") write to request an extension of the briefing schedule regarding Plaintiff's Motion to Dismiss the DAF Parties' Amended Counterclaims and for Judgment on the Pleadings ("Plaintiffs' Motion") (Dkts. 176, 179, 182, 183) reflected in the Court's July 26, 2023, Order (Dkt. 165).<sup>1</sup> Plaintiffs U.S. Bank National Association, in its capacity as trustee ("US Bank"), Acis Capital Management, L.P. ("ACM"), and Joshua N. Terry's ("Terry") (US Bank, ACM, and Terry are collectively "Plaintiffs") **consent to this requested extension.**

This requested extension will align the briefing schedule regarding Plaintiffs' Motion with the Court's August 29, 2023, Order (Dkt. 186) granting the same extension regarding Counterclaim-Defendant Highland CLO Funding, Ltd.'s ("HCLOF") Motion to Dismiss First Amended Counterclaims Against It (Dkt. 177; "HCLOF's Motion"). As reflected in the chart below, the requested extension would mean that the DAF Parties would file their opposition to Plaintiffs' Motion on September 12, instead of September 5, and Plaintiffs would file their reply on September 29, instead of September 19. We respectfully ask that the Court approve this modest schedule modification.

Filing	Current Deadline	Proposed New Deadline
The DAF Parties' Opposition to Plaintiffs' Motion	Sept. 5	<b>Sept. 12</b>

<sup>1</sup> This request and letter are without admission of any kind by or on behalf of the DAF Parties and are without waiver of any substantive or procedural rights of the DAF Parties, all of which are expressly reserved.

Hon. Gregory H. Woods

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Plaintiffs' Reply in Further Support of Plaintiffs' Motion	Sept. 19	<b>Sept. 29</b>
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The DAF Parties have not previously requested an extension of these deadlines and seek this modest extension to account for the upcoming holiday and to make the briefing schedule consistent with that related to HCLOF's Motion. We appreciate the Court's consideration of this request.

Respectfully Submitted,

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/s/ Roger L. McCleary

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/s/ Lindsey R. Skibell

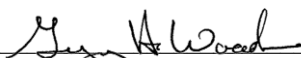
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The parties' August 29, 2023 request for an extension of time to file their opposition to Plaintiff's motion to dismiss the DAF Parties' amended counterclaims and for judgment on the pleadings, Dkt. No. 188, is granted. The DAF Parties' opposition is due no later than September 12, 2023. Defendant's reply, if any, is due September 29, 2023. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 188.

SO ORDERED.

Dated: August 29, 2023

New York, New York

  
 GREGORY H. WOODS  
 United States District Judge